



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on May 18, 2010

Date of Meeting: December 7, 2009

The Mayor and Council of the City of Tucson met in regular session at the Fox Tucson Theatre, 17 West Congress Street, Tucson, Arizona, at 10:12 a.m., on Monday, December 7, 2009, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

Regina Romero
Rodney Glassman
Karin Uhlich
Shirley C. Scott
Steve Leal
Nina J. Trasoff
Robert E. Walkup

Vice Mayor, Council Member Ward 1
Council Member Ward 2
Council Member Ward 3
Council Member Ward 4
Council Member Ward 5
Council Member Ward 6
Mayor

Absent/Excused:

None

Staff Members Present:

Mike Letcher
Michael Rankin
Roger W. Randolph

City Manager
City Attorney
City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Rabbi Stephanie Aaron, Congregation Chaverim, Father Bartholomew “Bart” Hutchinson, UA Newman Center and Chaplain Michael Brewer, Point Man Ministries, after which the Pledge of Allegiance was presented by the entire assembly.

3. AWARDS

Mayor Walkup presented Copper Letters to Council Member Steve Leal and Council Member Nina Trasoff in recognition of their service to the City of Tucson.

Council Member Leal started by saying how greatly he appreciated the opportunity and trust everyone had given him to work together towards the needs of the community. He pointedly thanked City staff he had worked with and had come to respect not only for their positions in City government, but also for their positions as members of the community. He said he admired how gracefully they married the two positions to push forward things that mattered to everyone.

Council Member Leal said he always thought his position on the Council was to restructure the playing field on which their lives were acted out, to touch it and shape it in ways that increased the likelihood that the story that emerged was one about vitality and goodness as opposed to one that was about sadness, sorrow and grief. He said, over time, he thought that was the big picture everyone needed to have in their heads as they voted, thought, and acted on agenda items, because in the end it was all connected.

Council Member Leal said one of things that helped him get there and stay there, was the fact that Tucson, more than any other place he had lived, was a community that wanted and loved to participate in its own destiny. He said the community was very involved in its own life, and that was a good thing. The Council, he thought, needed to be an extension of that. He said it needed to be participatory and involved like the community that got them there.

Council Member Leal commented he thought the Councils over time, had reflected that; sometimes to the chagrin of others that wished they would look the other way. He said they were now at a serious juncture of their lives, as every day; every year was, in the life of a person or in the life of a community. He said, to their credit, they came together, argued about their differences, and in the end, tended to make good decisions. He said that might not always be understood, but he thought, together as a community, they did good things, continued to be capable of doing good things and the community needed them to be as such.

Council Member Leal commented he was glad that his friend Richard Fimbres had been elected to fill the Ward 5 seat, as that gave him some solace. He joked he was a little disappointed, as the Mayor had promised beyond the plaque, they would let him into the Witness Protection Program, because they were worried that he was going to talk.

But, he said, he was not leaving town and would be involved, working with many of those people present, around a collection of things everyone continued to care about. He thanked everyone again for giving him their trust and goodwill over time.

Council Member Trasoff said it had been a true honor to serve as a City Council Member and sincerely thanked everyone who had helped her learn, grow and hopefully make a difference in the community over the last four years. She thanked those who expressed their concern over her well being and future and for caring. She said her love and profound thanks first went to her husband, Rod, her sons, daughter-in-law and her amazing three grandsons. She said they too paid a price, as the fifty to sixty hour works kept her away from them far too much.

Council Member Trasoff said she was looking forward to returning to the private sector, back to the communications consulting work she had been doing for eighteen years and a lot more spare time. She stated she wanted to take this time, first and foremost, to thank the Ward 6 Council Office team, an amazing group of dedicated staff to serve the public. She acknowledged C. T. Revere, Monique Martin, Laura Burge, Lorraine Hernandez, Carol Soike and Christal Ferree, and said they had become part of her family. She said she had looked forward coming to the office each day because of them. She also acknowledged past family members Roger Carrillo, Alex Hingle, and Paul Durham. She said each of them played important roles during their time serving the people of Ward 6.

Council Member Trasoff said she treasured her many new and longstanding friends, who were there for her every step of the way, providing guidance, support and friendship, especially when she faced the many challenges that were a part of the job. She then mentioned City Staff saying we should be proud of the committed professionals who put their heart and soul into their work everyday, whether it was a department director or a line worker, she found City staff to be caring skilled professionals who pride themselves on working for the community.

Council Member Trasoff stated she was proud of the work she had done for the City, and she was grateful for how much richer her life was now having been given the opportunity. She valued the many new friendships of people she would never have met had she not had the opportunity to serve on the Council. She said she was also grateful for her greater understanding of the many good people willing to work so hard as volunteers and advocates for their neighborhoods, the arts, small businesses, kids, serving on boards and commissions, and the people willing to stick their necks out, for no other reason, than they loved the City and wanted to help it reach its fullest potential. She said goodbye and again thanked everyone for the opportunity to serve.

4. OATH OF OFFICE

The Honorable Judge Leslie Miller administered the Oath of Office to newly elected Council Members Karin Uhlich, Ward 3, Richard G. Fimbres, Ward 5, and Steve Kozachik, Ward 6.

Mayor Walkup congratulated and welcomed returning Council Member Uhlich and newly elected Council Members Fimbres and Kozachik to the dais.

5. ORGANIZATION OF THE COUNCIL

A. ROLL CALL

Mayor Walkup asked for a roll call, upon which those present and absent were:

Present:

Regina Romero	Vice Mayor, Council Member Ward 1
Rodney Glassman	Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Richard G. Fimbres	Council Member Ward 5
Steve Kozachik	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused: None

B. MAYOR AND COUNCIL: SELECTION OF VICE MAYOR

Mayor Walkup announced City Manager's communication number 606, dated December 7, 2009, was received into and made part of the record. He asked the City Clerk to read Resolution 21448 by number and title only.

Resolution No. 21448 relating to the Vice Mayor of the Mayor and Council; selecting a Vice Mayor.

It was moved by Vice Mayor Romero, duly seconded, to pass and adopt Resolution 21448, to select Council Member Glassman as the new Vice Mayor.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Glassman, Uhlich, Scott, Fimbres, Kozachik;
Vice Mayor Romero and Mayor Walkup

Nay: None

Resolution 21448 was declared passed and adopted by a roll call vote of 7 to 0.

Mayor Walkup announced the Council would stand at recess until 4:00 p.m. for study session and at 5:30 p.m. for the regular session in the Mayor Council Chambers at City Hall.

RECESS: 10.37 a.m.

RECONVENE: 5:45 p.m.

The Mayor and Council reconvened regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona.

6. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

Regina Romero	Council Member Ward 1
Rodney Glassman	Vice Mayor, Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Richard G. Fimbres	Council Member Ward 5
Steve Kozachik	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused: None

Staff Members Present:

Mike Letcher	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	City Clerk

7. PRESENTATIONS

Roger W. Randolph, City Clerk, announced the scheduled presentation was continued to the meeting of December 15, 2009.

8. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 601, dated December 7, 2009, was received into and made part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Council Member Romero invited the public to the Ward 1 holiday event on December 10, 2009. It included a tamale contest for neighborhoods and a preview of the Tucson Museum of Art's retrospective of Ward 1 resident David Tineo's artwork.
- b. Vice Mayor Glassman announced that on December 11, 2009, Ward 2 Council Office was hosting their annual holiday party and the "Neighbor Appreciation Awards" with donated food prepared by the Art Institute and a visit from Santa. He also invited citizens to join him on December 12, 2009, for the dedication of the "Laszlo Veres Amphitheatre" at Udall Park and on December 16, 2009, at McMahon's Steakhouse, attend a welcoming celebration for the new Council Members.
- c. Council Member Scott recognized Pearl Harbor Day and thanked all the men and women who served in the Armed Forces and their families for their support.
- d. Mayor Walkup announced City flags flew at half staff in honor of Pearl Harbor Day.

9. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 602, dated December 7, 2009, was received into and made part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Richard Miranda, Deputy City Manager, recognized and thanked City employees from Human Resources, Tucson Water, the City Attorney's Office, the Equal Opportunity Office and the Fire Department for their generous contributions and support of a fellow employee, who due to an accident, required modifications to his home to become wheelchair accessible for one of his children. These employees donated their time and all of the costs for the modifications.

10. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 603, dated December 7, 2009, was received into and made part of the record. He asked the City Clerk to read the Liquor License Agenda.

- b. Liquor License Application(s)

New License(s)

1. R Place Bar & Grill, Ward 2
3412 N. Dodge Blvd.
Applicant: Randy Miner Cramblit
Series 12, City 80-09
Action must be taken by: December 13, 2009

Staff has indicated the applicant is in compliance with city requirements.
2. Enoteca Pizzeria Wine Bar, Ward 1
58 W. Congress St.
Applicant: Rene M. Knechtle
Series 12, City 81-09
Action must be taken by: December 13, 2009

Staff has indicated the applicant is in compliance with city requirements.
3. El Coqui Puerto Rican Restaurant, Inc., Ward 6
5443 E. 22nd St.
Applicant: Joseph Hiram Gonzalez
Series 12, City 82-09
Action must be taken by: December 13, 2009

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

c. Special Event(s)

NOTE: There are no special event(s) scheduled for this meeting.

d. Agent Change/Acquisition of Control/Restructure

NOTE: There are no agent change(s) scheduled for this meeting.

It was moved by Vice Mayor Glassman, duly seconded and carried by a voice vote of 7 to 0, to forward liquor license applications 10b1 through 10b3 to the Arizona State Liquor Board with a recommendation for approval.

11. CALL TO THE AUDIENCE

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations.

There were no speakers.

12. CONSENT AGENDA – ITEMS A THROUGH L

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made part of the record. He asked the City Clerk to read the Consent Agenda.

A. APPROVAL OF MINUTES

1. Report from City Manager DEC7-09-605 CITY-WIDE
2. Approval of minutes for the regular meeting of the Mayor and Council held on May 5, 2009.

B. TUCSON CODE: AMENDING (CHAPTER 10A) RELATING TO THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF TUCSON

1. Report from City Manager DEC7-09-607 CITY-WIDE
2. Ordinance No. 10734 relating to the Industrial Development Authority of the City of Tucson; exempting the Industrial Development Authority of the City of Tucson from the provisions of Tucson Code Chapter 10A, Article XIII; amending Tucson Code § 10A-133; and declaring an emergency.

C. FINANCE: AUTHORIZATION FOR THE ISSUANCE OF SINGLE FAMILY MORTGAGE REVENUE BONDS BY THE INDUSTRIAL DEVELOPMENT AUTHORITY

1. Report from City Manager DEC7-09-610(2) CITY-WIDE
2. Resolution No. 21446 a resolution of the Mayor and Council of the City of Tucson, Arizona, approving the proceedings of the Industrial Development Authority of the City of Tucson, Arizona its Single Family Mortgage Revenue Bond Program of 2009; approving standards and requirements related thereto; approving a General Plan related thereto; approving program documents; and authorizing and approving the issuance of not to exceed \$25,000,000 the Industrial Development Authority of the City of Tucson, Arizona Single Family Mortgage Revenue Bonds, Series 2009 in one or more series or issues; and declaring an emergency.

D. ASSURANCE AGREEMENT AND FINAL PLAT: (S08-043) THE SHOPS AT MIDVALE, LOTS 1 TO 5

1. Report from City Manager DEC7-09-611 WARD 1

2. Resolution No. 21447 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements and approving the final plat in Case No. S08-043, for the Shops at Midvale, Lots 1 through 5; and declaring an emergency.
 3. Staff recommends that the Mayor and Council approve the assurance agreement and the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- E. REAL PROPERTY: VACATION AND CONVEYANCE OF RIGHT OF WAY FOR THE REDEVELOPMENT OF THE FORMER GHOST RANCH LODGE PROPERTY AS AFFORDABLE HOUSING
1. Report from City Manager DEC7-09-613 WARD 3
 2. Ordinance No. 10736 relating to real property; vacating and conveying Glaris Avenue right of way for the redevelopment of the former Ghost Ranch Lodge as affordable housing; and declaring an emergency.
- F. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR IMPROVEMENTS TO 22ND STREET FROM KINO PARKWAY TO TUCSON BOULEVARD
1. Report from City Manager DEC7-09-609 WARD 5
 2. Resolution No. 21450 relating to Intergovernmental Agreements; approving and authorizing the execution of Amendment No. 2 to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for improvements to 22nd Street: Kino Parkway to Tucson Boulevard; and declaring an emergency.
- G. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE HOUGHTON ROAD CORRIDOR WILDLIFE STUDY
1. Report from City Manager DEC7-09-614 WARD 4
 2. Resolution No. 21451 relating to Intergovernmental Agreements; authorizing and approving the Intergovernmental Agreement for Transportation Funding between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for the Houghton Road Corridor Wildlife Study; and declaring an emergency.

This item was considered separately at the request of Council Member Kozachik.

H. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE SIXTH STREET/HIGHLAND AVENUE INTERSECTION IMPROVEMENT PROJECT

1. Report from City Manager DEC7-09-608 WARD 6
2. Resolution No. 21452 relating to transportation; authorizing and approving the Intergovernmental Agreement for Transportation Funding, between the City of Tucson and the Regional Transportation Authority of Pima County for the Sixth Street/Highland Avenue Intersection Improvement project; and declaring an emergency.

This item was considered separately at the request of Council Member Kozachik.

I. TUCSON CODE: AMENDING (CHAPTER 15) AUTHORIZING THE ENVIRONMENTAL SERVICES DIRECTOR TO ENTER INTO DISPOSAL SERVICES CONTRACTS

1. Report from City Manager DEC7-09-616 CITY-WIDE
2. Ordinance No. 10737 relating to environmental services; adding new Section 15-34.8 to Chapter 15 of the Tucson Code; giving the Director of Environmental Services authority to enter into Disposal Services Contracts; establishing an effective date; and declaring an emergency.

This item was considered separately at the request of Council Member Kozachik.

J. AGREEMENTS: WITH THE FLOWING WELLS IRRIGATION DISTRICT AND THE SPANISH TRAIL WATER COMPANY RELATING TO EFFLUENT

1. Report from City Manager DEC7-09-619 WARD 3 AND OUTSIDE CITY
2. Resolution No. 21453 relating to water; authorizing and approving an Intergovernmental Agreement with the Flowing Wells Irrigation District and an agreement with the Spanish Trail Water Company Relating to Effluent; and declaring an emergency.

This item was considered separately at the request of Council Member Uhlich.

K. AGREEMENTS: WITH THE FLOWING WELLS IRRIGATION DISTRICT AND THE SPANISH TRAIL WATER COMPANY RELATING TO RECLAIMED WATER

1. Report from City Manager DEC7-09-618 WARD 3 AND OUTSIDE CITY

2. Resolution No. 21454 relating to water; authorizing and approving the execution of an Intergovernmental Agreement with the Flowing Wells Irrigation District and an agreement with the Spanish Trail Water Company Relating to Reclaimed Water; and declaring an emergency.

This item was considered separately at the request of Council Member Uhlich.

L. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR IMPROVEMENTS TO TANQUE VERDE ROAD FROM CATALINA HIGHWAY TO HOUGHTON ROAD AND PETITION FOR ESTABLISHMENT OF TANQUE VERDE ROAD AS A COUNTY HIGHWAY

1. Report from City Manager DEC7-09-615 WARD 2
2. Resolution No. 21455 relating to Intergovernmental Agreements; authorizing and approving the Intergovernmental Agreement between the City of Tucson and Pima County for improvements to Tanque Verde Road from Catalina Highway to Houghton Road, and Petition for Establishment of Tanque Verde Road as a County Highway; and declaring an emergency.

It was moved by Council Member Uhlich, duly seconded, that Consent Agenda Items A through L, with the exception of Items G through J which were considered separately, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Uhlich, Scott, Fimbres, and Kozachik; Vice Mayor Glassman and Mayor Walkup

Nay: None

Consent Agenda Items A through L, with the exception of Items G through J which were considered separately, were declared passed and adopted by a roll call vote of 7 to 0.

12. CONSENT AGENDA – ITEM G

G. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE HOUGHTON ROAD CORRIDOR WILDLIFE STUDY

1. Report from City Manager DEC7-09-614 WARD 4

2. Resolution No. 21451 relating to Intergovernmental Agreements; authorizing and approving the Intergovernmental Agreement for Transportation Funding between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for the Houghton Road Corridor Wildlife Study; and declaring an emergency.

Roger W. Randolph, City Clerk, announced this item was being considered separately at the request of Council Member Kozachik.

Council Member Kozachik asked staff when the project was scheduled to begin.

James Glock, Transportation Director, said the Houghton Road Corridor stretched for approximately seven miles on the eastside and was funded for design implementation under a separate intergovernmental agreement. He said one segment of the roadway warranted study from the standpoint of whether or not there was a wildlife corridor that deserved a wildlife crossing investment associated with it, and the intergovernmental agreement provided funding for the study. The Houghton Road Corridor was actually funded in two of the five-year periods of the twenty year Regional Transportation Authority (RTA) Plan, and he said he believed it was periods one and three. He said the City would see phases of Houghton Road funded during those two five-year periods. He commented that work had begun on the Houghton/Vail intersection project associated with it. He stated the intergovernmental agreements Council saw with funding provided for the specific purposes outlined in the agreements were the mechanisms by which the City of Tucson and other RTA member jurisdictions accessed those funds, as outlined in the individual intergovernmental agreements.

Council Member Kozachik asked Mr. Glock if the thirty four thousand dollars for Game and Fish was just for the study alone.

Mr. Glock answered affirmatively. He said it was a specific line item in the twenty year RTA plan where forty five million dollars was allocated for wildlife linkage crossings and there were not many opportunities in the City limits where wildlife crossings needed to have linkages established. He said the study would determine if a crossing was necessary along Houghton Corridor in that particular location.

Council Member Kozachik asked who was responsible for funding the actual construction after the study was complete, the City or RTA.

Mr. Glock said what was unique about the wildlife linkage corridor portion of the Regional Transportation Authority was it had a very large budget associated with it. He said it was forty five million dollars over the twenty-year plan, so should the study recommend a linkage crossing at Houghton Road or various locations at Houghton Road, the City would be able to access that forty five million dollars to pay for the wildlife crossing investment.

Council Member Kozachik asked for confirmation that, irrespective of the outcome of the study, the actual construction would have no impact on the City budget.

Mr. Glock answered affirmatively.

It was moved by Council Member Kozachik, duly seconded that Consent Agenda Item G be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Uhlich, Scott, Fimbres, and Kozachik; Vice Mayor Glassman and Mayor Walkup

Nay: None

Consent Agenda Item G was declared passed and adopted by a roll call vote of 7 to 0.

12. CONSENT AGENDA – ITEM H

H. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE SIXTH STREET/HIGHLAND AVENUE INTERSECTION IMPROVEMENT PROJECT

1. Report from City Manager DEC7-09-608 WARD 6
2. Resolution No. 21452 relating to transportation; authorizing and approving the Intergovernmental Agreement for Transportation Funding, between the City of Tucson and the Regional Transportation Authority of Pima County for the Sixth Street/Highland Avenue Intersection Improvement project; and declaring an emergency.

Roger W. Randolph, City Clerk, announced this item was being considered separately at the request of Council Member Kozachik.

Council Member Kozachik asked at what stage, conceptual or schematic, was the design of the project.

James Glock, Transportation Director, said his understanding was that they were nearing the one hundred percent design phase and the allocation of the funds from the Regional Transportation Authority (RTA) would allow the City to prepare the purchase requisition to go out to bid for that particular project. He said the City's procurement process did not allow for bids to be let until funding was secured. He stated the work would probably be scheduled during the time school was not in session, so their goal was

to have the bid in place and ready to go as soon as the University of Arizona (U of A) was out for the summer.

Council Member Kozachik asked it was known at what stage of the design, conceptual, schematic or at nearly one hundred percent of construction documents, the RTA came up with the one hundred seventy-five thousand dollar budget.

Mr. Glock said he wanted the opportunity to check with his staff as to what stage the plans were in when the estimate was made. He said he assumed they were at the sixty to ninety percent stage, but did not want to be held to that figure without the opportunity to check with his staff.

Council Member Kozachik said the project cost summary provided in the Mayor and Council materials had a one hundred forty thousand dollar construction line item, so that was really the amount of money the City had to spend on the project from a construction standpoint. He asked, if the RTA arrived at that figure at sixty percent construction documents, was the City at all concerned that there might be a budget creep as the documents became more fully developed.

Mr. Glock stated it was a risk the City sometimes had to bear. He said one of the advantages of the general categorical element of the RTA Plan was, as particular activities were funded and if bids came in higher, the City had the opportunity to request additional funding from the RTA before the bid was awarded. He said the goal was not to have to come back repeatedly to the RTA Board or the Mayor and Council to secure the funding for each and every step of the project. Likewise, he said, should the completed project have leftover funds after all construction costs were paid, those leftover funds would be returned to the RTA Intersection Improvement pool for future projects to be considered region-wide.

Council Member Kozachik said it was good if there were savings, but asked if it made sense to wait until the construction documents were more fully developed before the Mayor and Council requested the Intergovernmental Agreement (IGA) so as not to have to go back for more funding, or was there no vulnerability the City would have to incur any cost overruns.

Mr. Glock said the way the City was moving forward with intersection improvements through the RTA, they were reasonably well protected to avoid any financial exposure above and beyond what the RTA allocation. He said, should the City run into an odd bidding environment, they had the opportunity to refuse to award the bid, go back to the RTA, and indicate to them that the City was not prepared to move forward with the project unless additional funds were allocated. He restated the City was reasonably well protected against any financial exposure in that vein.

It was moved by Council Member Kozachik, duly seconded, that Consent Agenda Item H be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Uhlich, Scott, Fimbres, and Kozachik; Vice Mayor Glassman and Mayor Walkup

Nay: None

Consent Agenda Item H was declared passed and adopted by a roll call vote of 7 to 0.

12. CONSENT AGENDA – ITEM I

I. TUCSON CODE: AMENDING (CHAPTER 15) AUTHORIZING THE ENVIRONMENTAL SERVICES DIRECTOR TO ENTER INTO DISPOSAL SERVICES CONTRACTS

1. Report from City Manager DEC7-09-616 CITY-WIDE
2. Ordinance No. 10737 relating to environmental services; adding new Section 15-34.8 to Chapter 15 of the Tucson Code; giving the Director of Environmental Services authority to enter into Disposal Services Contracts; establishing an effective date; and declaring an emergency.

Roger W. Randolph, City Clerk, announced this item was being considered separately at the request of Council Member Kozachik.

Council Member Kozachik asked staff what the City's current cost per ton was for the Environmental Services (ES) Department to tip into the Los Reales Landfill and how it compared to what the City was offering Saguaro Environmental Services.

Andrew Quigley, Environmental Services Department Director, responded that currently, there was no charge to residential or trucks to go into the landfill.

Council Member Kozachik clarified that the City incurred a cost for hauling its own refuse and that was the number he was searching for.

Mr. Quigley stated the estimated cost was fifteen dollars per ton.

Council Member Kozachik asked if it was known what Saguaro Environmental Services paid Waste Management to tip at their transfer station.

Mr. Quigley said he did not know, as he was not party to that agreement.

Council Member Kozachik asked if Saguaro Environmental Services currently brought waste to the Los Reales Landfill.

Mr. Quigley stated Saguaro Environmental Services nominally brought in one hundred fifty tons a week from people directing them to use the City's landfill.

Council Member Kozachik asked why the contract was for one year only.

Mr. Quigley explained it was a "put or pay" commitment. In other words, the City was guaranteed the money even though Saguaro Environmental Services did not bring in the tonnage. He stated in his experience that was not something people could commit to for longer than a year.

Council Member Kozachik asked if there were other private haulers with which the City was negotiating with on the "put or pay" contracts.

Mr. Quigley stated ES maintained contact with their customers at all times. Chapter 15 of the Tucson Code provided for several different rates to be negotiated with them, and currently, there was only one hauler that could possibly meet any of the other limits, so there were relatively few.

Council Member Kozachik said he thought it was important that the Mayor and Council made it clear this was really "found" money. He said the City was not receiving these funds anyway and it was not as though anything was being given away. He commented it was to the credit of the ES and to the City Manager's Office that it was money the City would not otherwise have, as it would be going out to the transfer station. He said that was the gist of his question.

It was moved by Council Member Kozachik, duly seconded that Consent Agenda Item I be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Uhlich, Scott, Fimbres, and Kozachik; Vice Mayor Glassman and Mayor Walkup

Nay: None

Consent Agenda Item I was declared passed and adopted by a roll call vote of 7 to 0.

12. CONSENT AGENDA – ITEMS J AND K

J. AGREEMENTS: WITH THE FLOWING WELLS IRRIGATION DISTRICT AND THE SPANISH TRAIL WATER COMPANY RELATING TO EFFLUENT

1. Report from City Manager DEC7-09-619 WARD 3 AND OUTSIDE CITY
2. Resolution No. 21453 relating to water; authorizing and approving an Intergovernmental Agreement with the Flowing Wells Irrigation District and an agreement with the Spanish Trail Water Company Relating to Effluent; and declaring an emergency.

Roger W. Randolph, City Clerk, announced this item was being considered separately at the request of Council Member Uhlich.

Council Member Uhlich asked the City Attorney if the Council could address Items J and K together as they were joint issues. She said at the end of the discussion she would like to make a motion related to both items.

Mike Rankin, City Attorney, answered affirmatively. He said it was made very clear in the agenda that Items J and K were companion items.

K. AGREEMENTS: WITH THE FLOWING WELLS IRRIGATION DISTRICT AND THE SPANISH TRAIL WATER COMPANY RELATING TO RECLAIMED WATER

1. Report from City Manager DEC7-09-618 WARD 3 AND OUTSIDE CITY
2. Resolution No. 21454 relating to water; authorizing and approving the execution of an Intergovernmental Agreement with the Flowing Wells Irrigation District and an agreement with the Spanish Trail Water Company Relating to Reclaimed Water; and declaring an emergency.

Council Member Uhlich thanked Jeff Biggs, Tucson Water Director, for being present. She said, based on Mayor and Council's discussion during study session, it was helpful to highlight the history and legal underpinnings of the agreements. She noted for Council Members Fimbres and Kozachik that the City had embarked on a joint planning process with the County and other regional partners. She said, in January, they would be holding a joint meeting with the Pima County Board of Supervisors to hear about the results of phase II of the planning process. She asked Mr. Biggs to comment on if and how this might become a topic of conversation as they moved forward in the regional dialogue.

Jeff Biggs, Tucson Water Director, stated the agreements were complex and long standing, since 1979 and 2000. He said they had also fostered some regional cooperation. He explained, as an example, the Town of Oro Valley had been able to replace ground water with reclaimed water for irrigating three of their golf courses, and

so it was a win/win situation for the community as a whole. He asked Chris Avery, their Chief Water Counsel to give a brief history of where the agreements came from. He said Mr. Avery had been involved in the City/County Water and Wastewater Study and it would be interesting to get his perception of how the study looked at the agreements.

Chris Avery, City Attorney's Office, stated Tucson was unique in Arizona in that the rules that governed the apportionment of effluent were based in a series of contracts primarily between the City of Tucson and Pima County, but also with other regional water providers. He said effluent in Arizona was not subject to the general rule that applied elsewhere, which was that effluent was owned by the wastewater treatment operator and not by the water providers. He added Tucson was also unique in that the principle that had been established, since at least 1979, water providers in the Tucson area had access to effluent derived from the water it provided to its customers and delivered to the wastewater treatment plant.

Mr. Avery said in 1979 the original agreement between the City and the County, by which the City transferred its Roger Road Wastewater Treatment Plant to the County and obtained wastewater from the Ina Road Wastewater Treatment Plant owned by the County, started with that principal. In 2000 the City entered into a supplemental agreement that recognized that there would be additional water providers in the region besides just the City of Tucson and Pima County. He said in that agreement the City of Tucson agreed to make efforts to provide other public water providers having an assured water supply with access to their effluent provided they could reach reasonable terms and conditions. He explained, just after that agreement was reached, the City did so with the Metropolitan Domestic Water Improvement District (Metro) and with the Town of Oro Valley.

Mr. Avery stated the Flowing Wells Irrigation District just recently obtained its assured water supply designation from the Department of Water Resources and Spanish Trail Water Company had an assured water supply designation as well. He added once a water provider had an assured water supply designation the rules in Arizona automatically required the water provider to begin using renewable water supplies and those rules inexorably weaned water providers off of ground water. That was what had happened to the City of Tucson and that was what was going to happen to Flowing Wells as they moved forward.

Mr. Avery explained effluent was one component of that water supply and it became available to all the water providers. He said, in that particular case, the principal of having a water provider obtain rights to effluent proved to be beneficial to the City, not from a total water domination point of view, but from the opportunities to provide cooperation in terms of the managed recharge projects in the Santa Cruz River, in particular with the Oro Valley agreement where they were able to get three golf courses off of pumped groundwater and onto the City's reclaimed system, and there were also two new courses in place as part of that agreement. Mr. Avery mentioned that one of the City's customers, Flowing Wells Irrigation District, wanted to provide reclaimed water to was the new Sun Tran bus facility that recently opened in their district. Flowing Wells

also had another customer with a small amount of landscaping, currently on the City's reclaimed system that they wanted to provide to, but further discussions were needed on how that was going to happen.

Mr. Avery concluded that both of the agreements allowed the water providers to obtain access to effluent in the same terms and conditions that the City had. The water providers contributed to the *Southern Arizona Water Rights Settlement Act*, which provided water to the Secretary of Interior on behalf of the Tohono O'Odham Nation. Those water providers also contributed to the conservation effluent pool. The agreements essentially followed the basic perimeters established in the 2000 supplemental Intergovernmental Agreement (IGA) and the agreements the City subsequently reached with the Town of Oro Valley and the Metropolitan Domestic Water Improvement District.

Mr. Avery commented that one of the recommendations forthcoming to the Mayor and Council from the City/County Water and Wastewater Study Oversight Committee (CCWSOC) was that additional efforts be made to find more customers for the reclaimed water system. He said the efforts where the Flowing Wells Irrigation District had an incentive to find customers in their district who wanted to use reclaimed water instead of potable water and the extent Spanish Trail Water Company grew into a position where they would be able to use effluent. The second set of agreements allowed the City to begin the process of using the reclaimed system for greater economies of scale and greater efficiency in moving water around the region. He said he thought that not only were the agreements consistent with the earlier IGAs but they were also consistent recommendations from the CCWSOC.

Council Member Uhlich stated because the Mayor and Council had moved on this item, with Tucson Water's help, from being a demand driven utility to a broader planning view of how the City managed water resources, those types of items would rightly be scrutinized and colleagues would rightly have questions.

Council Member Romero also suggested that Tucson Water put those types of items on for the regular meeting agenda instead of the consent agenda so the Mayor and Council could get explanations, feel comfortable with what was presented and open the items up for questions. She said water was a complex issue in Arizona, in Tucson, and the region. She said it was a good idea to bring it to full Mayor and Council on the regular agenda in case there were questions, concerns, or comments.

Vice Mayor Glassman said he wanted to congratulate Mr. Biggs and his department. He said the Ward 2 office had received a call about a month ago from a constituent, Doug Depew, Grand Canyon Janitorial and parent whose son was involved in the football program at Sahuaro High School. He said he learned there were seven schools within Tucson Unified School District (TUSD) that were not connected to the reclaimed water system even though the City had installed the infrastructure. He said he asked Mr. Biggs to reach out to the leadership at TUSD. Together they came up with a

game plan to get the reclaimed water system connected in the coming years in an effort reduce the use of potable water.

Mayor Walkup clarified with Vice Mayor Glassman that it was in the Tucson Unified School District.

Vice Mayor Glassman confirmed it was and asked the City Attorney if it was permissible for Mr. Biggs to give more details on the matter.

Michael Rankin, City Attorney, stated it was if the story related to reclaimed water, but to keep it brief.

Mr. Biggs said Tucson Water was in agreement with TUSD to hook up a majority of their schools to a reclaimed system. He confirmed there were seven schools where Tucson Water had put in infrastructure, but the school district had not yet completed the connections to their irrigation systems. He said Tucson Water had begun conversations with TUSD after Vice Mayor Glassman mentioned it; and after staff had several meetings with TUSD staff, those schools were scheduled to be connected to reclaimed water within the next two to three years.

It was moved by Council Member Uhlich, duly seconded, that Consent Agenda Items J and K be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Uhlich, Scott, Fimbres, and Kozachik; Vice Mayor Glassman and Mayor Walkup

Nay: None

Consent Agenda Items J and K were declared passed and adopted by a roll call vote of 7 to 0.

13. PUBLIC HEARING: WEST UNIVERSITY NEIGHBORHOOD PLAN (PA-09-02) MAIN GATE V – INCREASED BUILDING HEIGHT

Mayor Walkup announced City Manager's communication number 612, dated December 7, 2009, was received into and made part of the record. He also announced it was the time and place legally advertised for a public hearing on the proposed amendments to the *West University Neighborhood Plan*. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations. He asked if there was anyone who wished to speak on the matter.

Jill Bielawski, West University Neighborhood Association (WUNA) Planning Subcommittee, stated WUNA was in support of the project. She said Tom Warne had been in contact with WUNA and kept them up to date on the project including any revisions. She confirmed Mr. Warne had done due diligence and had presented in person to the WUNA Planning Subcommittee and also to the Board of Directors on two occasions. She announced it had been voted unanimously in support of the project and a letter of support was submitted to Albert Elias, Housing and Community Development Director.

Tom Warne, The Marshall Foundation, announced he was present to answer any questions. He stated this hotel project was part of the Main Gate Development. They had come back to the Mayor and Council to deal with the hotel expansion plans, a portion of the block between what used to be Tyndall Avenue and Park Avenue from University Boulevard going north to Second Street. He said the rest of the block was built out. He added the Mayor and Council had approved a specific ordinance for the block and they were trying to change the northwest corner of that block.

Mayor Walkup asked if anyone else wished to speak on this item. There was no one.

It was moved by Council Member Scott, duly seconded and carried by a voice vote of 7 to 0 to close the public hearing.

Mayor Walkup asked the City Clerk to read Resolution 21449 by number and title only.

Resolution No. 21449 relating to planning and zoning; amending the *West University Neighborhood Plan* to increase building heights on a 0.74-acre site at the northwest portion of the block bounded by University Boulevard on the south, Second Street on the north, Park Avenue on the east, and the Tyndall Avenue Alignment on the west; and declaring an emergency.

Council Member Kozachik said he worked on the University of Arizona campus in the Athletic Department. He stated the department had no nexus with the project. He asked the City Attorney if he should recuse himself from the vote as a result of his employment.

Mike Rankin, City Attorney, advised Council Member Kozachik that his employment by the University of Arizona would not create a conflict that would preclude him from participating in the decision on that particular matter, and was free to vote and engage in all discussions.

It was moved by Council Member Kozachik, duly seconded, to pass and adopt Resolution 21449.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Uhlich, Scott, Fimbres, and Kozachik; Vice Mayor Glassman and Mayor Walkup

Nay: None

Resolution 21449 was declared passed and adopted by a roll call vote of 7 to 0.

14. ZONING: (C9-06-24) ALTA VISTA COMMUNITIES – KOLB ROAD, O-3 TO OCR-1, ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 617, dated December 7, 2009, was received into and made part of the record. He asked the City Clerk to read Ordinance 10738 by number and title only.

Ordinance No. 10738 relating to zoning: amending zoning district boundaries in the area located on the west side of Kolb Road, at Calle La Paz, approximately 1,400 feet south of Tanque Verde Road, in Case C9-06-24, Alta Vista Communities-Kolb Road, O-3 to OCR-1; and setting an effective date.

Vice Mayor Glassman reported that the location was going to be a wonderful QuikTrip, which was one of the companies participating in the City's pilot program for rainwater harvesting. He said he appreciated QuikTrip and looked forward to having a great convenience store with clean bathrooms and delicious donuts located in Ward 2.

It was moved by Vice Mayor Glassman, and duly seconded to pass and adopt Ordinance 10738.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Uhlich, Scott, Fimbres, and Kozachik; Vice Mayor Glassman and Mayor Walkup

Nay: None

Ordinance 10738 was declared passed and adopted by a roll call vote of 7 to 0.

15. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 604, dated December 7, 2009, was received into and made part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Scott, duly seconded and carried by a voice vote of 7 to 0, to approve the appointment of W. Mark Day to the Citizens' Water Advisory Committee; the reappointments of John Anderson in the Registered Landscape Architect category, Kacey Carleton and Henry Tom, in the Registered Architects category, to the Design Review Board; and Jerry Anderson in the Real Estate/Finance Representative category, Michael Grassinger in the Developer/Builder/Designer category, and Melanie Morrison in the Community Partner category to the Metropolitan Housing Commission.

Mayor Walkup asked if there were any personal appointments to be made.

There were no personal appointments.

16. ADJOURNMENT: 6:28 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, December 15, 2009 at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 7th day of December 2009, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:jr:sac